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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,100	01/30/2004	James Edward Nave	TI-36273	9012

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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/769,100

Applicant(s)

NAVE, JAMES EDWARD

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/30/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Upon review applicant's arguments presented regarding the drawing requirement made in the last Office action, that requirement has been withdrawn.

2. Claims 17-20 are now objected to because of the following informalities: in line 5 of amended claim 17, "gine" should be changed to -fine--. Appropriate correction is required.

3. Applicant's arguments filed on 10/20/06 regarding claims 1-4 have been fully considered but they are not persuasive. The rejection based on Jennes accordingly still applies and is repeated below from the last Office action.

Applicant's arguments are addressed in **bold** to readily distinguish the rejection from the examiner's counter arguments.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Jennes et al.

Reviewing Jennes, his process of digitizing an input video signal involves controlling the level of the video signal by adjusting the gain and offset automatically (e.g. col. 8 lines 49-52; col. 12 lines 61-63), incorporating periodic measuring (noting Fig. 2). The back porch (blanking) level is monitored at stage 39 (the signal being output from the system excluding the digitizing stage 33) and is measured against a set (targeted) level (col. 11 lines 22-40 and lines

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49-52). The back porch (blanking) level is controlled by applying an offset adapted to the level of gain of the video signal, which eliminates any transient offset resulting from gain change (col. 8 lines 55-64; col. 12 lines 3-9 and lines 47-63; Fig. 2).

Applicant is correct in noting the feedback is not exactly used (that language from the previous rejection now removed). However, feedback is not expressly claimed nor required to be inferred.

Applicant also argues that Jennes has a sync gain and sync threshold set by a searching method that involves the back porch level. However, that does not dismiss the fact that the back porch level is controlled by application of a video offset thereto, and on an updated basis. Text in col. 11 line 22+ describes such, referred to above. (The claimed added gain is also accounted for by Jennes).

Applicant also argues that Jennes is directed to making full use of the ADC input range. That does not dismiss the fact that both gain (applied to input stage 30) and offset (to subsequent stage 32 and therefore to the gain-adjusted input signal) are not applied, which results in an offset being applied to a signal that has its gain adjusted as well. The video signal therefore is indeed adjusted and automatically, regardless of considerations to the ADC range.

Claim 1 therefore stands rejected

Applicant does not argue the remaining claims individually on their own merits, instead relying on the arguments to the rejection of claim 1. Those rejections accordingly still apply and are repeated as follows

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As for claim 2, the process is repeated as Jennes applies periodic iterations which involves plural stages of the process (e.g. col. 12 line 20).

As for claims 3 and 4, both analog and digital stages are involved (Fig. 2; col. 3-63).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 also remain rejected under 35 U.S.C. 103(a) as being unpatentable over Jennes et al.

As for claim 5, although Jennes does not expressly disclose *fine* values of his offset, it he does update the offset (i.e. determine new values) periodically, and it would have been obvious to one of ordinary skill in the art to consider the updating as a providing of a refined or more exact value.

As for claims 6-8, Jennes operates at a base clock having a rate of 60 kHz, but points out that that is a selective rate (col. 6 lines 16-18). Furthermore, the level controlling operation is carried out throughout the course of the supplying of the video signal which is defined or characterized by standard frame, line and pixel rates. In view of these two points, it would have been obvious to one of ordinary skill in the art to consider the operation as being done according to pixel, line or frame rates since the video signal so processed assumes these rates.

6. Claims 9-20 appear allowable over the prior art (claim 17 being amended).

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
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VRK

